IN THE COURT OF HIGH COURT OF UTTARANCHAl AT NAINITAL

Writ Petition No. 397 (M/B) 2003

Bageshwar Bhutpurva Sanik
Shram Samvida & Ors …… Petitioners

Versus

State of Uttaranchal and others …… Respondents

AND

Writ Petition No. 408 (M/B) 2003

Parvatiya Vashundhara
Bhutpurva Saini …… Petitioner

Versus

State of Uttaranchal and others …….. Respondents

AND

Writ Petition No. 409 (M/B) 2003

Tehri Adarsh Bhutpura Sanik …… Petitioner

Versus

State of Uttaranchal and others ……. Respondents

AND

Writ Petition No. 410 (M/B) 20003

Adarsh Bhupra Sanik
Swa Rojgar Samiti Ltd. …….. Petitioner

Versus

State of Uttaranchal and other ……. Respondents

AND

Writ Petition No. 411 (M/B) 2003

Tehri Adarsh Bhutpura Sanik ……. Petitioner

Versus

State of Uttaranchal and others …… Respondents

Mr. A. Kalara i/b Mr. Paresh Tripathri Advocate for the petitioners
Mr. N.B. Tiwari, learned C.S.C. for the State,

Coram: **Hon. H.H. Kapadia, C.J.**
Hon. Rajesh Tandon, J.

Dated: 01.09.2003:

PC:

Pursuant to our order dated 23.8.2003, we are directing the Excise Commissioner to consider the terms and conditions, which he should impose on the petitioners, who have applied for F.L.-2 licence. In this matter as indicated in our order dated 23.8.2003, the petitioners intendes to capture 40% of

the total market share. If this is future projection, then the Excise Commissioner will have to decide the amount of deposit, and the amount that will be tended by way of security. This exercise can not be undertaken by us under Article 226 of the Constitution. It will be for the Excise Commissioner to decide these issues. Excise Commissioner will impose such terms and conations as he deems fit in accordance with law.

The Excise Commissioner will decide the matter within four weeks.

Subject to above, the writ petitions are dismissed.

(Rajesh Tandon, J.) **(S.H. Kapadia, C.J.)**

AK: